

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

NAWAZ AHMED,

Petitioner,

-vs-

MARC C. HOUK, Warden,

Respondent.

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Case No. 2:07-cv-658

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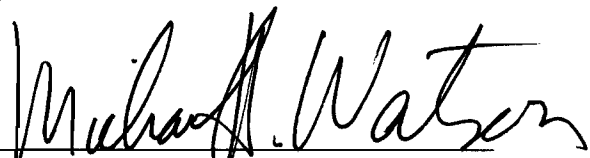
District Judge Michael H. Watson
Magistrate Judge Michael R. Merz

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 57), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on August 16, 2010, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Respondent's Motion to Dismiss (Doc. No. 39) be, and it hereby is denied without prejudice to Respondent's position on the merits of its procedural default defenses which should be adjudicated as part of deciding the case as a whole.

September 14, 2010.



Michael H. Watson
United States District Judge